

REMARKS

Applicants reply to the final Office Action dated December 9, 2009 within two months. The Examiner rejects all pending claims 1-5, 9-36 and 38-50. Applicants cancel all pending claims, without prejudice or disclaimer to filing one or more claims having similar subject matter. Applicants add new claims 51-70. Support for the new claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these new claims. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

Rejections Under 35 U.S.C. § 101

The Examiner rejects claims 1-5 and 9-36 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants cancel claim 1-5 and 9-36, and as such, the Examiner rejection is moot. Nonetheless, in order to expedite prosecution, Applicants note that new claims 51-70 describe the systems and methods by their various structural elements, transformations and corresponding functionality. Accordingly, Applicants respectfully requested withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects 1-5, 9, 11-23, 34, 38, 43-44 and 49-50 under 35 U.S.C. § 103(a) as being unpatentable over McElfresh (U.S. Patent No. 6,907,566) in view of Dedrick (U.S. Patent No. 5,696,965). The Examiner also rejects claims 3, 4, and 24-36 under 35 U.S.C. § 103(a) as being unpatentable over McElfresh in view of Dedrick and further in view of Sullivan (U.S. Patent Application Publication No. 2001/0018665). The Examiner also rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over McElfresh in view of Dedrick and further in view of Brody (U.S. Patent Application Publication No. 2002/0077964). The Examiner also rejects claims 39-42, 45-47 and 48 under 35 U.S.C. § 103(a) as being unpatentable over McElfresh in view of Dedrick and further in view of Walker (U.S. Patent No. 6,598,024). Applicants respectfully disagree with the Examiner's rejections; however, Applicants cancel claims 1-5, 9-36 and 38-50, so the Examiner's rejections are now moot. Nonetheless, to expedite prosecution, Applicants comment on the cited references with respect to the newly submitted claims 51-70.

McElfresh teaches a method for optimizing a placement of advertisements (e.g. banner ads) on a webpage by monitoring and analyzing user selections of particular advertisements. McElfresh discusses performing ranking calculations for ads based upon user interactions with the

advertisements. Based on these ranking calculations, the system of McElfresh is able to suggest the placement of advertisements for a subsequent user.

Dedrick discloses an electronic information appraisal agent which operates an electronic information distribution system. Requests for electronic information are transferred from an appraisal agent to an electronic information server which compares the contents of the server to a set of search criteria. The appraisal agent is further configured to return search results based on the request.

Sullivan relates to a system and method for administering scan-based promotions. Promotions are stored in a database server. An account administrator may load the database server with one or more products for a promotion and enter a payment value which the manufacturer will pay a retailer on the discount. On the day of a promotion, the check-out stations in the retailer's stores credit consumers with appropriate discounts.

Brody discloses a system and method for providing consumers with credit information including information which can help the consumer evaluate the consumer's credit report or credit worthiness. Brody also provides consumers with suggestions to help consumers better their credit rating and to report to credit bureaus to reflect positive activity conducted by a consumer to improve the consumer's credit rating.

Walker discloses a system and method for up-selling at a POS terminal. Walker provides a user with the opportunity to receive a second good or service from the merchant providing the POS terminal, for the difference of the purchase price and the next whole dollar amount above the purchase price. Walker also considers inventory on hand and other factors when providing the second good or service.

Applicants assert that the cited references alone or in combination do not disclose or contemplate at least, "analyzing . . . a plurality of prior transactions from a user transaction account, wherein the plurality of prior transactions are associated with user purchases of at least one of goods or services from a merchant" or "customizing . . . an incentive offer from a centralized repository **based on at least a portion of the user formulated search and at least a portion of the plurality of prior transactions,**" (emphasis added) as similarly set forth in new independent claims 51, 69, and 70.


Furthermore, claims 52-68 variously depend from new independent claim 51. As such, Applicants assert that claims 52-68 are differentiated from the cited references for the same reasons

as set forth above, in addition to their own novel features. Thus, Applicants respectfully request allowance of all new claims 51-70

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. If an extension of time is necessary, please accept this as a petition therefore. Applicants invite the Office to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Dated: 8 February 2010

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